

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS L. WALKER,

Plaintiff,

Case No. 21-12874

v.

HON. DENISE PAGE HOOD

DR. MARY GREINER, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION (ECF NO. 94),
GRANTING MOTION TO DISMISS OR FOR SUMMARY JUDGMENT
(ECF No. 60), GRANTING MOTION TO DISMISS OR FOR SUMMARY
JUDGMENT (ECF No. 81), GRANTING MOTION TO DISMISS (ECF NO.
91), OVERRULING OBJECTIONS (ECF Nos. 96, 97) and
DISMISSING DEFENDANTS JAMES BRESSMAN, RICHARD D.
RUSSELL, JEFFREY C. STIEVE AND STACEY REAM**

This matter is before the Court on Magistrate Judge Patricia T. Morris' July 24, 2023 Report and Recommendation (ECF No. 94) to grant various Defendants' Motions to Dismiss or for Summary Judgment (ECF Nos. 60, 81, 91). Plaintiff filed Objections on August 14, 2023, indicating "he has no 'objections' to Defendants Russell, Stieve, and Ream being dismissed from this lawsuit" but "does make this specific objection to defendant Bressman¹ being dismissed from this action." (ECF Nos. 96, 97)

¹Defendants assert the correct name is Dr. James Blessman.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Plaintiff argues in his Objections that although Defendant Bressman was not expressly named in the grievances, Plaintiff identified him as the Acting Chief Medical Officer for Corizon Inc. (ECF No. 97, PageID.551) Defendants respond to the Objections that MDOCPD 130 requires that the grieved individual must be named and that failure to specify the names fails to exhaust a prisoner’s administrative remedies. *See Mattox v. Edelman*, 851 F.3d 583, 590-91 (6th Cir. 2017).

After review of the July 24, 2023 Report and Recommendation as to Defendant Bressman, the Court finds that the Magistrate Judge's conclusions are correct. The Court agrees with the Magistrate Judge that Defendant Bressman is not expressly named in any of Plaintiff's grievances and therefore must be dismissed. Plaintiff failed to properly exhaust his administrative remedies by not expressly naming Defendant Bressman in his grievances. Defendants Russell, Stieve, and Ream are dismissed since Plaintiff indicated he had no "objections" to their dismissals.

Accordingly,

IT IS ORDERED that Magistrate Judge Patricia T. Morris' Report and Recommendation (**ECF No. 94**) is **ACCEPTED AND ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants James Bressman and Richard D. Russell's Motion to Dismiss or for Summary Judgment (**ECF No. 60**) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Jeffrey C. Stieve's Motion to Dismiss or for Summary Judgment (**ECF No. 81**) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Stacey Ream's Motion to Dismiss (**ECF No. 91**) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Marcus L. Walker's Objections to the Report and Recommendation (**ECF Nos. 96 and 97**) are **OVERRULED**.

IT IS FURTHER ORDERED that **Defendants James Bressman (Blessman), Richard D. Russell, Jeffrey C. Stieve and Stacy Ream are DISMISSED** with prejudice from this action.

S/DENISE PAGE HOOD

Denise Page Hood

United States District Judge

Dated: March 28, 2024